

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STATE OF HAWAII,)	CIVIL NO 07-00614 HG-LEK
)	
Plaintiff,)	
)	
vs.)	
)	
HAROLD UHANE JIM,)	
)	
Defendant.)	
_____)	

ORDER ADOPTING MAY 13, 2008 FINDINGS AND RECOMMENDATION TO GRANT
THE STATE OF HAWAII'S MOTION TO REMAND TO STATE COURT
AND
DENYING DEFENDANT'S OBJECTIONS THERETO

On May 13, 2008, the Magistrate Judge entered a Findings and Recommendation that the State of Hawaii's Motion to Remand To State Court be granted. (Doc. 15, "F&R".) On May 22, 2008, Defendant Harold Uhane Jim filed objections to the F&R. (Doc. 16.)

STANDARD OF REVIEW

A magistrate judge may be assigned to prepare findings and recommendations for a district judge on a pretrial matter that is dispositive of a claim. Fed. R. Civ. P. 72(b). If a party to the proceedings objects to the magistrate judge's findings or recommendations, the district court must review de novo those portions to which objection is made. See United States v. Raddatz, 447 U.S. 667, 673 (1980); Fed. R. Civ. P. 72(b). The district court may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate

judge, or recommit the matter to the magistrate.

De novo review means the district court must consider the matter anew, as if it had not been heard before and as if no decision previously had been rendered. See Ness v. Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992). The district court must arrive at its own independent conclusion about those portions to which objections are made, but a de novo hearing is not required. United States v. Remsing, 874 F.2d 614, 617-18 (9th Cir. 1989).

ANALYSIS

The Court adopts the F&R to grant the State of Hawaii's motion to remand to State Court. The Court denies the objections thereto filed by Defendant.

The Court has reviewed the appeal, which on the whole is difficult to understand. Giving wide latitude to possible issues raised, the Court finds there is no issue that was not thoroughly discussed and explained in the Magistrate's Order. The Court considers the Magistrate Judge's analysis to be accurate and instructive, and finds there is no purpose in repeating the analysis here.

CONCLUSION

For the foregoing reasons,

- (1) the Magistrate Judge's May 13, 2008, FINDINGS AND RECOMMENDATION TO GRANT THE STATE OF HAWAII'S MOTION TO REMAND TO STATE COURT, (Doc. 15), are ADOPTED; and
- (2) Defendant's motion, entitled "PETITIONER OBJECTS TO

MAGISTRATE JUDGE LESLIE E. KOBAYASHI HEREBY FINDS AND
RECOMMENDS THAT THE STATE MOTION BE GRANTED, FILED ON
MAY 13, 2008," (Doc. 16), is DENIED.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, June 30, 2008.



/s/ Helen Gillmor

Chief United States District Judge